

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

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2024 MAY -6 PM 3: 22

TERRIA HOLCOMB, as Personal Representative
For THE ESTATE OF DARIUS HOLCOMB
Plaintiff
JDA-KFM

CASE 7:24CV-01145-

v.

SPARTANBURG COUNTY, SPARTANBURG COUNTY
SHERIFF'S OFFICE, OFFICER WESLEY BENNETT, ET AL.
Defendants

MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Terria Holcomb, Personal Representative for the Estate of Darius Holcomb, files this Motion seeking a Voluntary Dismissal without prejudice of this action.

1. On or about April 12, 2024, I learned for the first time that this matter had been removed to federal from the State of South Carolina Court of Common Pleas.
2. At the same time, I learned that my Attorney Marvin Pendarvis had received notice of the removal and that he was not admitted to practice in the federal court but did not inform me of this.
3. It was also on or about April 12, 2024, that I learned that an Attorney, Vanisa Siler Brown, was appointed by the court to represent me.
4. After learning these facts, I sent a certified letter to Attorney Pendarvis terminating his legal services. I also sent a letter to Attorney Brown terminating her legal services.

5. As of the filing of this motion, I have not had any contact whatsoever from Attorney Brown. However, Attorney Pendarvis has returned my case file to me.

6. I file this motion asking that under Federal Rule of Civil Procedure 41 (a) I be permitted to voluntarily dismiss without prejudice to refiling once I am able to obtain legal counsel of my own choosing. Because this case has not proceeded at all, there will be no prejudice to Defendants. Whereas, because of the failure of handling of this matter by either Attorney Pendarvis or Brown, my case would be prejudiced under the conditions stated above. Also, I am the only beneficiary that has an interest in this lawsuit. I ask that this motion be granted.

TERRIA HOLCOMB



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Date: May 6, 2024